

II. Amendments to claims 1, 12 and 31

Support for “not due to a headache” in claims 1, 12 and 31 can be found in the narratives found at least at page 19, lines 27 to line 1 on page 20; and on page 20, lines 30-31.

III. Rejection of claims 1, 4, 5, 9, 12, 13, 31 and 32 under 35 U.S.C. 102(b)

The Office Action rejected claims 1, 4, 5, 9, 12, 13, 31 and 32 under 35 U.S.C. 102(b) a being anticipated by Binder (WO 95/30431).

The independent claims, and hence all pending claims, have been amended to limit the claims to face pain that is not due to a headache.

Binder teaches a method for reducing a headache pain by delivering botulinum toxin. Binder cannot anticipate the presently pending claims, as the pending claims exclude pain that is due to a headache and hence the claims exclude the disclosure of Binder. Therefore the present claims are each patentably distinct over Binder.

Thus, this rejection should be withdrawn.

IV. Conclusion

All issues raised in the Office Action have been addressed. Reconsideration and allowance of claims 1, 4, 5, 9, 12, 13, 31 and 32 is requested.

The Commissioner is hereby authorized to charge any fee(s) required or necessary for the filing, processing or entering of this paper or any of the enclosed papers and to refund any overpayment to deposit account 01-0885.

Respectfully submitted,

/Claude L. Nassif/

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